

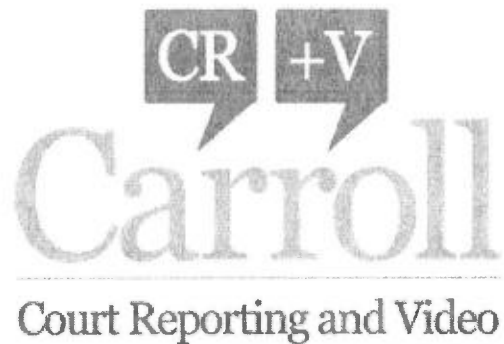
EXHIBIT A

In The Matter Of:

**Beatrice Kelly v. Metropolitan Group Property
and Casualty Insurance Company**

Beatrice Kelly

August 22, 2018



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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BEATRICE KELLY and RALPH KELLY,

Plaintiffs,

vs.

Case No. 2:18-cv-10982

Hon. Gershwin A. Drain

Magistrate Judge R. Steven Whalen

METROPOLITAN GROUP PROPERTY AND CASUALTY

INSURANCE COMPANY,

Defendant.

_____ /

The Deposition of BEATRICE KELLY taken in the above-entitled matter before Stenograph Reporter, Ruth L. Tossey, CSR-5392, Notary Public in and for the County of Oakland, at Melamed, Dailey, Levitt & Milanowski, PC, 26611 Woodward Avenue, in the City of Huntington Woods, Michigan, on August 22, 2018, commencing at or about the hour of 10:00 a.m.

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1 APPEARANCES:

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3 MELAMED, DAILEY, LEVITT & MILANOWSKI, PC

4 BY: JOSEPH L. MILANOWSKI (P47335)

5 26611 Woodward Avenue

6 Huntington Woods, Michigan 48070

7 (248) 591-5000

8 Appearing on behalf of the Plaintiffs

9

10 SEGAL MCCAMBRIDGE SINGER & MAHONEY

11 BY: KERRY LYNN RHOADS (P55679)

12 29100 Northwestern Highway, Suite 240

13 Southfield, Michigan 48034

14 (248) 994-0060

15 Appearing on behalf of the Defendant

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1 Q How many times did you review it?

2 A One time.

3 Q Was there anything that you wanted to change within that
4 transcript?

5 A No.

6 Q Did you tell the truth during that transcript or during
7 that Examination?

8 A Yes.

9 Q Did you also review those application calls during that
10 meeting?

11 A Yes.

12 Q Was there anything that you wanted to change about those
13 calls?

14 A No.

15 Q Were you truthful during those calls?

16 A Yes.

17 Q Were you truthful in your letter to the City?

18 A Yes.

19 Q And that's the City of Eastpointe, just to be clear?

20 A Yes.

21 Q You were represented by a different attorney at the time
22 of your Examination; correct?

23 A Yes.

24 Q When you reviewed the transcript, were there any
25 questions that you felt that you did not understand at

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1 the time that I asked them?

2 **A I don't think so.**

3 Q Did you have renter's insurance at the Angel Falls
4 address?

5 **A Yes.**

6 Q Through whom?

7 **A For me.**

8 Q From whom?

9 **A Oh, from, I don't know.**

10 Q Did you ever make a claim on that policy?

11 **A No.**

12 Q Did you have it the entire time that you lived at the
13 Angel Falls address?

14 **A Yes.**

15 Q I think you told me that you have Allstate presently;
16 correct?

17 **A Yes.**

18 Q Do you have any paperwork that would identify the rental
19 insurance?

20 **A Do I have paperwork here?**

21 Q Obviously not here -- well, maybe. Anywhere?

22 **A I should have it somewhere.**

23 Q Where is Melaundra Floyd presently living?

24 **A I don't know.**

25 Q When is the last time that you talked to her?

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1 Q When I took your Examination, you thought that there
2 would be a calendar or schedule that you could look at
3 that would tell you when you were back in Michigan in
4 2016 before this loss. Did you ever find that
5 information?

6 A I don't think I looked for it.

7 Q Would you still have that information?

8 A I think just based on the calendars, those things were
9 lost. It doesn't carry over from, you know, 2014 was a
10 while ago, I'm not sure.

11 Q 2016 was the year of the loss.

12 A You said the year 2016, I would have to check.

13 Q When you say calendar, are you talking about on your
14 phone, a paper calendar, a work calendar, Google
15 calendar?

16 A A subset of a home calendar, you know.

17 Q When we were last together, we talked about a contents
18 list and we'll mark this as Exhibit A of your deposition
19 today. I'm going to show you what we'll mark -- I have
20 a copy for you -- this is bate-stamped Met 00525.

21 (Deposition Exhibit A
22 marked for identification)

23 BY MS. RHOADS:

24 Q Have you updated, changed or done anything with the
25 contents list since we last met?

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1 **A** **No.**

2 **Q** And do you agree that these were your personal items in
3 the home at the time of this loss, other than the
4 dumpster, so really up to the first inventory total is
5 what I'm talking about?

6 **A** **Yes.**

7 **Q** Yes? Those were your items contained within the home?

8 **A** **Yes, at the time.**

9 **Q** At the time of the December 2016 loss?

10 **A** **I believe so, correct.**

11 **Q** So any other personal contents in the home at the time
12 of this loss would have been Melaundra's and
13 Cassandra's?

14 **A** **Yeah. I think this is a good list of the larger --**
15 **large items that I had. I had some items in the garage.**

16 **Q** What did you have in the garage?

17 **A** **My tires, some kid's stuff and a bed.**

18 **Q** And did you retrieve those from the home?

19 **A** **No.**

20 **Q** You left them there?

21 **A** **We dumped them out.**

22 **Q** Were they damaged in this fire?

23 **A** **I think. I don't remember if they were damaged, but --**
24 **I don't remember.**

25 **Q** So you just got rid of them?

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1 **A** **I did.**

2 **Q** But those that are on Exhibit A, those would have been
3 within the home at the time of the fire; correct?

4 **A** **Yes, I believe so.**

5 **Q** Was the garage connected or disconnected from the home?

6 **A** **Connected.**

7 **Q** How did you access the garage from the home?

8 **A** **You have to go outside.**

9 **Q** So how is it connected then?

10 **A** **It's attached, but you have to go outside.**

11 **Q** Do you know if the garage was damaged at all in this
12 fire?

13 **A** **I don't know, I can't remember.**

14 **Q** Was there anything else inside the home, not the garage,
15 inside the home other than what we marked as Exhibit A
16 that was yours?

17 **A** **I might have some pictures, family pictures that I took**
18 **when I was there.**

19 **Q** Anything else?

20 **A** **I might have had a coat. Just some small items, I don't**
21 **really remember.**

22 **Q** Anything other than a coat?

23 **A** **I don't remember.**

24 **Q** So back to my original question, anything else in the
25 home other than what's on Exhibit A, some family

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1 pictures and a coat, would have been Melaundra's or
2 Cassandra's?

3 **A I believe so, yes.**

4 **Q** There's been some photographs taken, whether it be by
5 your adjuster or Judy Bird such as the shoe room. Have
6 you seen those photos?

7 **A No.**

8 MS. RHOADS: I did not make copies of these.

9 MR. MILANOWSKI: Yeah, I've got black and
10 white versions, I think. I'm not sure what you sent me
11 was in color or not, but what I printed out is black and
12 white so we can use those.

13 MS. RHOADS: I'm not marking those.

14 MR. MILANOWSKI: If you want to let me --
15 which ones are you using, it seems there's a couple of
16 different sets. Whose are you looking at?

17 MS. RHOADS: I'm looking at bate-stamped 444.

18 MR. MILANOWSKI: Not the fire investigator?

19 MS. RHOADS: Nope. Judy Bird.

20 MR. MILANOWSKI: Judy Bird.

21 MS. RHOADS: Got them?

22 MR. MILANOWSKI: This is for me to follow on.

23 Yep, 444?

24 MS. RHOADS: 444, 446, Ms. Bird labeled as
25 shoe room.

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1 BY MS. RHOADS:

2 Q For example, those shoes would be Melaundra's or
3 Cassandra's?

4 A Yes, I would assume.

5 Q They are not yours?

6 A They are not mine.

7 Q Or weren't yours. There on 443, she labeled it exercise
8 room, would those personal items be Melaundra's or
9 Cassandra's, such as the exercise bike, bins, things
10 like that?

11 A Yes.

12 Q 456, she labeled it laundry, furnace, and in both of
13 those pictures, it looks like a number of laundry items,
14 bins, etcetera, those would also be Melaundra's and
15 Cassandra's?

16 A Yes.

17 Q 458 has a washer and dryer, would that also be
18 Melaundra's and Cassandra's?

19 A Yes.

20 Q 460 has a TV, is that the TV on Exhibit A?

21 A I don't know if that's the same TV, so I'm not sure.

22 Q Your TV that you identified or your adjuster identified
23 on Exhibit A, do you remember its make, model, size,
24 anything like that?

25 A I don't.

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1 Q Do you remember if it was a wall mount TV such as that
2 depicted on Page 460?

3 A No, but I know some TVs have the stand that can come
4 off, so I don't know.

5 Q Do you remember how old that TV was when you last --
6 strike that -- or purchased it?

7 A Probably more than five years.

8 Q Pardon me?

9 A Five years.

10 Q Five years at the time of the loss or five years today?

11 A Probably more than five years at the time of the loss.

12 MR. MILANOWSKI: Kerry, real quick. I noticed
13 on 462 and 463, I've got a picture of a bedroom that's
14 got a TV.

15 MS. RHOADS: That's what I got next.

16 MR. MILANOWSKI: You're way ahead of me.

17 BY MS. RHOADS:

18 Q Your counsel is correct, that's the next photograph I
19 have is 462. I'll call it the blue bedroom because on
20 the color version the walls are blue. There is a TV on
21 a dresser, do you know if that could be your TV?

22 A I don't know.

23 Q Is the dresser Melaundra and Cassandra's?

24 A I imagine so.

25 Q 463, also within the blue bedroom, there are clothing

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1 items, would those be either Melaundra's or Cassandra's?

2 **A I imagine so.**

3 Q Do you know which room each lady slept in?

4 **A No.**

5 MR. MILANOWSKI: Real quick, since you got the
6 color version, is 464 there's a TV, is that still the
7 blue room or is it the same room?

8 MS. RHOADS: No, we are going to the yellow
9 room next.

10 MR. MILANOWSKI: Because it looks like a third
11 TV.

12 BY MS. RHOADS:

13 Q Now we're on 464 and I'll call it the yellow room or the
14 cream room, and your counsel is correct, there's a third
15 TV on a different dresser. Do you know if that could be
16 your TV?

17 **A I don't know. That's not my dresser.**

18 Q It is not your dresser? I need you to say it out loud.

19 **A No, it's not my dresser.**

20 Q On the same page on the bottom, there's a bed?

21 **A That looks like Melaundra's bed.**

22 Q Melaundra's bed, and do you know if the clothing items
23 on the bed are Melaundra's or Cassandra's?

24 **A I don't know.**

25 Q 466 is back to the blue bedroom. There's a step ladder

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1 and some more personal items, are any of those yours?

2 **A I don't know. No.**

3 Q No?

4 **A No.**

5 Q 470, I don't know if I asked you this last time, how
6 many bathrooms were in the home at the time of the loss?

7 **A There's one and a half.**

8 Q So it looks like on 470, it depicts the full bath;
9 correct?

10 **A Correct.**

11 Q Are any of the personal items depicted in that photo
12 yours?

13 **A No.**

14 Q 476 takes us back to the main room, there's couches,
15 chairs, love seats, are any of those yours?

16 **A No.**

17 Q And there's a TV stand now depicted below that TV that
18 we talked about earlier, is that yours?

19 **A I don't remember.**

20 Q Now we go to the kitchen, which is on 481. I believe
21 the stove was yours; correct?

22 **A Yes.**

23 Q That's on Exhibit A; correct?

24 **A I can't see it.**

25 Q Exhibit A?

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1 **A** Oh, yes.

2 **Q** 484, it looks like there's a desk and a bookshelf. Are
3 the books or the desk or the shelf yours?

4 **A** No.

5 **Q** 486 has a dining room table set on a different chair
6 from that same main room, are any of those yours?

7 **A** This dining room set?

8 **Q** Yes.

9 **A** No.

10 **Q** How about the chair on the top?

11 **A** No.

12 MR. MILANOWSKI: That's an A instead of one?

13 MS. RHOADS: Yes.

14 BY MS. RHOADS:

15 **Q** Did you ever speak with Donald Tabron after your
16 Examination Under Oath?

17 **A** I think just to tell him that I had an Examination Under
18 Oath.

19 **Q** Did you ever share the denial letter with him?

20 **A** I believe I did, yes.

21 **Q** What, if anything, did he say about it?

22 **A** I don't remember. I don't think he said anything.

23 **Q** What, if anything, happened with your contract that you
24 had with Mr. Tabron?

25 **A** Nothing.

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1 I know that DTE wasn't in my name, but it was after the
2 loss, it was in my name.

3 Q So DTE, whose name was it in then?

4 A They don't tell you that.

5 Q But you switched it to yours afterwards?

6 A Uh-huh.

7 Q Yes?

8 A Yes, sorry.

9 Q You're okay. Did your policy with MetLife cancel after
10 this loss?

11 A No.

12 Q Is it still active?

13 A No. When I sold the home, the policy was paid off or
14 closed, I'm not sure.

15 Q Ralph Kelly is listed as a plaintiff in this lawsuit,
16 was he on your policy of insurance with MetLife at the
17 time of this loss?

18 A No.

19 Q Was one of the calls that you looked at about taking him
20 off the policy, do you recall that?

21 A I think it was the same call that asked if you were
22 married, I said yes, but he's not on the deed. So I
23 know you usually don't put a spouse on the deed, on the
24 policy.

25 Q If my recollection of those calls is that you contacted